

Senator Lincoln Fillmore proposes the following substitute bill:

MENTAL HEALTH SERVICES IN SCHOOLS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill enacts provisions relating to coverage of certain mental health services by the Medicaid program and certain health insurers.

Highlighted Provisions:

This bill:

- requires the Department of Health to develop a proposal and submit a state plan amendment to allow the state Medicaid program to be billed for certain mental health services provided in a public school;
- prohibits certain health benefit plans offered on or after January 1, 2020, from denying a claim for mental health services solely because they are provided by a public school employee or in a public school; and
- prohibits a local education agency from billing for certain health care services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 [26-18-419](#), Utah Code Annotated 1953
27 [31A-22-650](#), Utah Code Annotated 1953
28 [53G-7-217](#), Utah Code Annotated 1953

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section [26-18-419](#) is enacted to read:

32 **[26-18-419](#). Medicaid waiver for coverage of mental health services in schools.**

33 (1) As used in this section, "local education agency" means:

34 (a) a school district;

35 (b) a charter school; or

36 (c) the Utah Schools for the Deaf and the Blind.

37 (2) In consultation with the Department of Human Services and the State Board of
38 Education, the department shall develop a proposal to allow the state Medicaid program to
39 reimburse a local education agency, a local mental health authority, or a private provider for
40 covered mental health services provided:

41 (a) in accordance with Section [53E-9-203](#); and

42 (b) (i) at a local education agency building or facility; or

43 (ii) by an employee or contractor of a local education agency.

44 (3) Before January 1, 2020, the department shall apply to CMS for a state plan
45 amendment to implement the coverage described in Subsection (2).

46 Section 2. Section [31A-22-650](#) is enacted to read:

47 **[31A-22-650](#). Coverage for mental health services in schools.**

48 (1) As used in this section, "local education agency" means:

49 (a) a school district;

50 (b) a charter school; or

51 (c) the Utah Schools for the Deaf and the Blind.

52 (2) A health benefit plan that is entered into or renewed on or after January 1, 2020,
53 may not deny a claim for a covered mental health service solely because the mental health
54 service is provided:

55 (a) at a local education agency building or facility; or

56 (b) by an employee or contractor of a local education agency.

- 57 (3) Nothing in this section:
58 (a) prohibits a health benefit plan from denying a claim:
59 (i) by an individual that is not a licensed health care provider;
60 (ii) by a health care provider practicing outside the health care provider's scope of
61 practice;
62 (iii) that is submitted by a person that is not a network provider;
63 (iv) for a mental health service that is not medically necessary as determined by the
64 health benefit plan; or
65 (v) that does not otherwise comply with the health benefit plan's policies; or
66 (b) requires a health benefit plan to pay a claim for a service that is:
67 (i) provided under an individualized education program as defined in Section
68 53E-4-301; or
69 (ii) administrative in nature to the local education agency.
70 Section 3. Section **53G-7-217** is enacted to read:
71 **53G-7-217. Prohibition on billing for certain health care services.**
72 A local education agency, or an employee or contractor of a local education agency,
73 may not bill:
74 (1) a health benefit plan as defined in Section 31A-1-301, for any service that is:
75 (a) provided under an individualized education program as defined in Section
76 53E-4-301; or
77 (b) administrative in nature to the local education agency; or
78 (2) a student or a student's family for a service that is:
79 (a) performed by the local education agency or an employee or contractor of a local
80 education agency; and
81 (b) not covered by the student's health benefit plan.